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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,694	09/18/2003	David A. Holly	1016.P001 US	6234
32794	7590	12/30/2005	EXAMINER	
KOESTNER BERTANI LLP 18662 MACARTHUR BLVD SUITE 400 IRVINE, CA 92612			SUTTON, ANDREW W	
			ART UNIT	PAPER NUMBER
			3765	
DATE MAILED: 12/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/665,694	HOLLY, DAVID A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrew W. Sutton	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 12 October 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 29-43 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 29-31, 33-34,37-40 is/are rejected.  
 7) Claim(s) 35,36 and 41-43 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 18 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 10/12/05 have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the retention bar in claim 33 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The amendment filed 10/12/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The applicant claims a retaining bar that was not discussed in the original filing..

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

Claim 33 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant claims a retaining bar that was not discussed in the original filing. It is unclear if this is the same as the retaining members or not.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Clack (US 2,582,008). Clack illustrates a loom in Figs. 2, 12, and 14 including a first 148 and second 6 warp beam including retaining members 32 that retain the warp yarns spaced apart and substantially parallel between each beam. While Clack doesn't explicitly state that the beams 6 and 8 are removable, Clack does teach that the beams mounted in slots 10 and secured with wing nuts 12 (Col. 3 lines 27-30). It would be inherent with this device that since the beams are attachable, they are removable. The device is capable of being removed with the warp yarns being still secured in tongues 32.

As to claim 31, Clack teaches a deck (Fig. 12) on which the retaining members 32 are mounted in a spaced relationship.

As to claim 33, Clack teaches (Fig. 12) a retaining bar 30 which places tension on the warp yarns.

As to claim 43, Clack teaches (Fig. 12) a retention strip 30 positioned adjacent to the retaining members 32.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clack (US 2,582,008) in view of Mahler (US 2,249,390). Clack discloses the device substantially above. Clack does not disclose the use of a heddle with an openable eyelet. Mahler illustrates in Fig. 1 a heddle 1 with an eyelet 4. The heddle is made of pieces 1 and 1', which can be pivoted on pin 2 which allows for the opening of the eyelet allowing for easier threading of the yarn through the eyelet (Col. 1 lines 5-8). It would have been obvious to one of ordinary skill in the art to combine the teachings of Clack and Mahler to provide an means for easily threading the heddle with the warp yarns.

As to claim 39, Mahler illustrates (Fig. 1) a break comprising a split between two overlapping portions 3 and 3' to form the circumference of the eyelet.

As to claim 43, Mahler illustrates (Fig. 1) a break comprising a movable portion 3'.

As to claim 40, Mahler illustrates (Fig. 1) a fastener 2 that is operable in a closed position to retain the overlapping portions 3, 3' together and to allow overlapping portions to be moved apart in an open position via pivot 2 that would allow the insertion of removal of the warp yarn.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clack (US 2,582,008) in view of Hoagland (US 4,334,555). Clack discloses the device

substantially above. Clack does not disclose the use of a heddle with an openable eyelet. Hoagland teaches a heddle 10 in figure 3 that includes a break that allows for the insertion of the warp thread. It would have been obvious to one of ordinary skill in the art to combine the teachings of Clack and Hoagland to provide a means for easily threading the heddle with the warp yarns.

As to claim 37, Hoagland teaches (Fig. 3) a heddle including a eyelet that has overlapping portions of a spiral loop 27 including a break that allow for the warp thread to be inserted into the heddle when position substantially parallel to the warp thread.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clack (US 2,582,008) in view of Ruegg (US 1,517,129). Clack discloses the device substantially above. Clack does not disclose the use of a heddle with an openable eyelet. Ruegg teaches heddles 24,25 in figure 14 that includes a break that allows for the insertion of the warp thread. It would have been obvious to one of ordinary skill in the art to combine the teachings of Clack and Hoagland to provide a means for easily threading the heddle with the warp yarns.

As to claim 38, Ruegg teaches (Fig. 14) a V-shaped break in the eyelet of heddles 24 and 25.

#### ***Allowable Subject Matter***

Claims 32, 35-36, and 41-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claim 32 teaches a spring mounted retaining means to provide constant tension not shown in the art. Claim 35 teaches retention strip is elastic capable of deflection warp threads not shown in the prior art. Claim 36 teaches a plurality of attachment points connected to the deck not shown in the prior art. Claim 41 teaches a protuberance on an overlapping portion that is not shown in the prior art. Claim 42 teaches a snap closure as defined by the applicant that is not shown in the prior art. Claim 43 teaches a movable finger portion and a channel portion that is not shown in the prior art.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W. Sutton whose telephone number is (571) 272-6093. The examiner can normally be reached on Monday - Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AWS  
12/23/05

  
JOHN J. CALVERT  
SUPERVISORY PATENT EXAMINER  
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